

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JUNE 14, 2017**

**CALL TO
ORDER
6:00 pm**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11th Street W, Ste. 200, Kalispell, Montana. Board members present were Rita Hall, Sandra Nogal, Dean Sirucek, Ron Schlegel, Jim Heim, Jeff Larsen, Kevin Lake, Greg Stevens and Mike Horn. Erik Mack and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were approximately 10 people in the audience.

**APPROVAL OF
MEETING
MINUTES
6:01 pm**

Sirucek made a motion, seconded by Nogal to approve the May 10, 2017 meeting minutes.

**BOARD
DISCUSSION
6:01 pm**

None

**ASK THE
QUESTION
6:01 PM**

Larsen asked the question.

**ROLL CALL TO
APPROVE
MEETING
MINUTES
6:01 pm**

On a roll call vote the motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)
6:01 pm**

None

**BAYOU
SUBDIVISION
NO 2
(FPP-17-03)
6:02 pm**

A request from Sands Surveying, Inc., on behalf of Daniel & Joy Henry, for preliminary plat approval of Bayou Subdivision No. 2, a proposal to create two (2) lots intended for residential use on 8.318 acres. The property is located at 1338 Helena Flats Road and would be served by individual wells and septic. The property is currently unzoned and can legally be described as

Lot 2A of the Amended Plat of Lot 1, Bayou Subdivision in Section 15, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

STAFF REPORT
6:02 pm

Mack reviewed Staff Report FPP-17-03 for the Board.

BOARD
QUESTIONS
6:02 pm

Larsen stated that on page 15 under Finding 17 it stated Helena Flats stage-he wanted to know if this was in error.

Mack stated yes.

APPLICANT
PRESENTATION
6:05 pm

Eric Mulcahy-Sands Surveying-2 Village Loop, Kalispell-represented the applicant. He stated the applicant bought the property in 1991 and in 2002 split a piece of and sold it to his brother. Now, he would like to split a piece off for his daughter. He stated the applicant reviewed the septic site for groundwater this spring and the test hole was dry. The property is unzoned so there is no minimum lot size. Mulcahy stated the Helena Flats Neighborhood Plan called for a 5-acre density in this area; however, it was a plan and not a regulatory document. He also stated that there were a number of smaller lot sizes in the same area created over the years.

BOARD
QUESTIONS
6:08 pm

Stevens asked about the test hole stating that one of the letters from the public was concerned with groundwater.

Mulcahy stated there was one test hole for the septic and it was dry.

Sirucek stated one of the comment letters stated that 'it appears the intent of the property owner is to ultimately create at least six new 1 acre lots' was that the applicants intent.

Mulcahy stated no.

AGENCY
COMMENTS
6:10 pm

None

PUBLIC
COMMENT
6:12 pm

Shirley Anderson – 40 Claremont St. – Speaking for daughter who owns 15 acres in the subdivision. Anderson went over the letter she had submitted, talking about depth to water table, the neighborhood plan, traffic safety on Helena Flats and the 5-acre density recommended in the neighborhood plan. She stated that

the staff report talked about multiple building sites which she felt was opening the door for further subdivision

Gary Henry – 1342 Helena Flats Road- stated he is Dan's brother and lives next door after buying property from him 14-15 years ago. He talked about the size of the lots in the area and how the one acre lot would be consistent with them.

Helen Gray – 1488 Helena Flats – talked about algae in the creek, traffic concerns at the corner and the desire to not see 1 acre lots.

Loren Vranish - 200 Dirt Road – stated he had property in the area. He asked why the applicant did not do a family transfer. He also talked about traffic concerns at the corner and the access to the property.

Jessica Kramer - 253 East Reserve – stated the proposed lot was for her and her husband to build a house. She explained that the driveway would not be on the corner, and that there are horses in the lower pasture not the upper pasture, and there was not knapweed on the lot.

**APPLICANT
REBUTTAL
6:43 pm**

Mulcahy stated that it was eluded to that there were several test holes that were being monitored on the property, but there is only one and the applicant was not planning further subdivision.

**BOARD
QUESTIONS
6:43pm**

Schlegel asked how many of the remaining 7+ acres were in the no build zone because of the creek.

Mulcahy stated probably a couple of acres.

**STAFF
REBUTTAL
6:45 pm**

Mack stated that the staff report stated Lot 2 contains areas for building sites outside the floodplain, not that there would be multiple building sites on the lot as referenced in public comment. Also, the request did not include a variance as referenced in Anderson's letter.

**BOARD
QUESTIONS
6:46 pm**

None

**MAIN MOTION
TO ADOPT**

Stevens made a motion seconded by Hall to adopt Staff Report FPP-17-03 as Findings of Fact as corrected.

**F.O.F.
(FPP-17-03)
6:46 pm**

**BOARD
DISCUSSION
6:47 pm**

The Board discussed changing finding 17.

**SECONDARY
MOTION TO
CORRECT
FINDING 17
6:47 pm**

Schlegel made a motion seconded by Nogal to correct finding 17 as follows:

Helena Flats ~~Stage~~—Road would provide legal and physical access to for the proposed lot 2 with an approved approach permit from the Flathead County Road and Bridge Department and Lot 1 will utilize the existing access. Helena Flats Road is a 24 foot wide paved County collector road within a 60 foot easement.

**BOARD
DISCUSSION
6:47 pm**

None

**ASK THE
QUESTION
6:47 pm**

Larsen asked the question.

**ROLL CALL TO
CHANGE
FINDING 17
6:47 pm**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO
ADOPT F.O.F.
(FPP-17-03)
6:48 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-17-03)
6:49 pm**

Schlegel made a motion seconded by Hall to adopt Staff Report FPP-17-03 and recommend approval to the Board of County Commissioners.

BOARD

Stevens complimented Anderson on her presentation. He talked

DISCUSSION
6:49 pm

about the neighborhood plan being part of the Growth Policy and stated that the land use map was not boundary specific. He stated this one parcel would not change the character of the area. He stated land use decisions are based on health, safety, and general welfare and in this case he sees no areas of concern.

Hall stated it was a well put together plan.

Schlegel complimented Anderson also. He stated smaller density properties tend to take care of their property better. He talked about the distance and visibility requirements for the new driveway. He would not be in favor of further subdivision but was in favor of the proposal.

Larsen stated he supported the neighborhood plan and would like to see it stay in compliance and it is pretty close. He did not want to see further subdivision of this property. The applicant did it the right way with a subdivision not family transfer.

Heim stated he grew up just down the stream from that corner. Spring Creek is over grown. He talked about family transfers and giving land to children.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-17-03)
7:07 pm**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS
7:10 pm**

None

**NEW BUSINESS
7:10 pm**

None

**ADJOURNMENT
7:11 pm**

The meeting was adjourned on a motion by Schlegel at approximately 7:11 pm. The next meeting will be held on July 12, 2017 at 6:00 pm.



Jeff Larsen, Chairman



Danene Thornton, Recording Secretary

APPROVED AS SUBMITTED/ CORRECTED: 7/12/17